

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

**CHRISTIAN C. BLANTON AND
VELDONNA L. BLANTON**, husband
and wife,

Plaintiffs,

v.

**FEDERAL HOME LOAN
MORTGAGE CORPORATION;
WELLS FARGO HOME
MORTGAGE, INC.; AND
NORTHWEST TRUSTEE
SERVICES, INC.**, Corporations,

Defendants.

No. 3:15-cv-00353-AC

OPINION AND ORDER

MOSMAN, J.,

On February 29, 2016, Magistrate Judge Acosta issued his Findings and Recommendation (F&R) [30], recommending that Defendant Northwest Trustee's Motion to Dismiss [17] should be GRANTED and the Plaintiffs' Complaint should be DISMISSED with prejudice. No objections to the Findings and Recommendation were filed.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a *de novo* determination regarding those portions of the report or specified findings or

recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, *de novo* or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

Upon review, I agree with Judge Acosta's recommendation and I ADOPT the F&R [30] as my own opinion. As I agree with Judge Acosta's decision and GRANT Northwest Trustee Services's Motion to Dismiss [17], Federal Home Loan Mortgage and Wells Fargo Home Mortgage's Motion for Summary Judgment [14] is DENIED AS MOOT.

IT IS SO ORDERED.

DATED this 21st day of March, 2016.

/s/ Michael W. Mosman
MICHAEL W. MOSMAN
Chief United States District Judge